IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 24371 of 2003

Between:

1. Smt.Alla Jaggamma W/o. Alla Narasimhaiah
   R/o. Yerraguntlapadu village, Phirangipuram Mandal,
   Guntur District
2 Smt.Ogirala Ademma W/o. Rosi Reddy
   R/o. Yerraguntlapadu village, Phirangipuram Mandal,
   Guntur District
3 Sanagala China Appi Reddy S/o. Rami Reddy
   R/o. Yerraguntlapadu village, Phirangipuram Mandal,
   Guntur District

.....PETITIONERS

AND

1 The Mandal Revenue Officer, Phirangipuram Mandal,Guntur District
2 The Dy.Executive Engineer (RWS) Sattenapalli Mandal & Town,

Guntur District
3 The District Collector, Guntur District, Guntur

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction, more particularly one in the nature of writ of Mandamus declaring the action of the Respondents in initiating the proceedings to dispossess the petitioners and others who constructed their houses in Sy.No.78-1 of Yerraguntlapadu village in pursuance of the distribution of pattas on 21-12-1998 and destroying the underground water pipeline laid in pursuance of the proceedings of the 1st Respondent dated 25-01-1993 without following any due process of law and without considering the alternate avenues as illegal, arbitrary, unconstitutional and against to the principles of natural justice.

Counsel for the Petitioner:MR.B.CHINNAPA REDDY

Counsel for the Respondents: GP FOR REVENUE

The Court made the following :

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.24371 OF 2003

ORDER:

The three petitioners claim that first respondent issued pattas to them for the land comprised in S.No.78-1 abutting tank bed of Yerraguntlapadu Village in Phirangipuram Mandal of Guntur District. They further allege that the respondents are initiating proceedings to dispossess the petitioners from their houses in S.No.78-1. The petitioners also allege that the respondents are also initiating action to alter the possession of Vuracheruvu without applying mind. Therefore, they filed the Writ Petition seeking a declaration that the action of the respondents in initiating proceedings to evict the petitioners from their houses pursuant to distribution of pattas on 21.12.1998 is illegal and unconstitutional.

This Court while admitting the Writ Petition on 27.11.2003 passed interim orders in W.P.M.P.No.30862 of 2003 directing respondents not to dispossess the petitioners as long as pattas granted in their favour are not cancelled. Now, the respondents have filed W.V.M.P.No.726 of 2004 seeking vacation of the interim order. Though interlocutory matters are listed, with the consent of the learned counsel for the parties, the Writ Petition itself is heard finally and is being disposed of.

First respondent filed a counter affidavit along with W.V.M.P.No.726 of 2004. It is stated that the land in S.No.78-1 admeasuring Acs.11.34 guntas in Yerraguntlapadu Village is Government land forming part of tank bed of Vuuracheruvu, which has been identified under Sector Reforms Pilot Project Water Supply Scheme. The District Collector accorded administrative sanction by

proceedings dt.1.322003 for converting said water tank as water storage tank. All the encroachments and un-authorized occupations have to be removed to restore the tank to original standards and to convert it under the Pilot Project as water storage tank. In the counter affidavit reliance is also placed on the judgments of the Supreme Court in **M.C.Mehta v. Kamal Nath, Hinch Lal Tiwari v. Kamala Devi**, and the Division Bench judgment of this Court in **Katuri Mahalaxmamma v. Special Commissioner of Land Revenue** in support of the contention that water-body has to be protected in the interest of ecology. It is not denied in the counter affidavit that petitioners were not given any notice before taking action for eviction of petitioners from the land, which is allegedly tank bed land.

Therefore, instead of keeping the Writ Petition pending, the Writ Petition is disposed of observing that unless and until the respondents follow due process of law, petitioners shall not be evicted if they are in possession of the land and houses. Liberty is given to respondents to take necessary action for evicting the petitioners from the tank bed land keeping in view the judgments cited hereinabove. Till then there shall be *status quo.*

The Writ Petition, with the above observations and directions, is accordingly disposed of. No costs.

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(V.V.S.RAO, J)

10.9.2004

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To

1 The Mandal Revenue Officer, Phirangipuram Mandal,Guntur District
2 The Dy.Executive Engineer (RWS) Sattenapalli Mandal & Town,

Guntur District
3 The District Collector, Guntur District, Guntur

4 2 CCs to GP for Revenue, High Court Bldgs., Hyderabad

5 2 CD copies.